



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty Legal Office

09 JAN 2000

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

The Proctor & Gamble Company
Winton Hill Technical Center
E2E404A - Box 218
6083 Center Hill Avenue
Cincinnati, Ohio 45224

In re Application of
UEDA, Kimio
Application No.: 09/297,774
PCT No.: PCT/US96/18339
Int. Filing Date: 08 November 1996.
Priority Date: None
Attorney Docket No.: JA-179
For: DISPOSABLE ABSORBENT ARTICLE
HAVING SOFT-CLOTHLIKE BACKSHEET

NOTIFICATION REGARDING
DEFECTIVE DECLARATION
AND
REQUIREMENT FOR NEW
DECLARATION OR PETITION
UNDER 37 CFR 1.48(a)

This is to notify applicant that the declaration filed on 07 May 1999 in the above-captioned application is not in compliance with 37 CFR 1.497(a) and that a new declaration or petition under 37 CFR 1.48(a) is required.

BACKGROUND

On 08 November 1996, applicants filed the above-captioned international application, which claimed no priority date and designated the United States. The United States Patent and Trademark Office has not received any notifications regarding recording of any changes of inventors under PCT Rule 92bis.

On 07 May 1999, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee of \$670 and extra claims fee of \$44, and a declaration naming as inventors and signed by Kimio Ueda and Jie Tao.

DISCUSSION

The declaration filed 07 May 1999 is not acceptable. Specifically, the declaration sets forth an additional inventor (Jie Tao) who has not been named in the international application.

Further, as discussed above, the United States Patent and Trademark Office has not received any notification of a recording of a change to add Jie Tao as an inventor under PCT Rule 92bis.

In that an acceptable declaration of the inventor(s) has not been submitted, the application cannot be accepted into the national stage at this time.

Applicant must submit either: 1) a petition under 37 CFR 1.48(a) requesting correction of the inventors named in the international application to include Jie Tao, (2) a new declaration naming and signed by only Kimio Ueda accompanied by an acceptable explanation of the misnaming of the inventor on the present declaration, or (3) a showing that a 92bis change was made prior to the National stage filing. A proper response, as discussed above, must be filed within **ONE (1) MONTHS** of the date of mailing of this notification. Extensions of time under 37 CFR 1.136(a) may be obtained.

A petition under 37 CFR 1.48(a) to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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